

**Introduced by Senator Margett**

February 24, 2006

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An act to amend Section 18935 of the Health and Safety Code, relating to building standards.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1603, as introduced, Margett. Building standards: conflicts and obsolete references.

Existing law establishes the California Building Standards Commission and provides for the adoption of the California Building Standards Code. The commission is required to receive proposed building standards from state agencies for consideration in an annual code adoption cycle. Before adopting building standards and submitting them to the Building Standards Commission for approval, the adopting agencies are required to give notice of proposed building standards and hold hearings, as required by the Administrative Procedure Act.

This bill would request that the California Building Standards Commission, in consultation with applicable state agencies, review the existing statutes for conflicts and obsolete references.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 18935 of the Health and Safety Code is
- 2 amended to read:
- 3 18935. (a) Notice of proposed building standards shall be
- 4 given and hearings shall be held by the adopting agencies, as
- 5 required by the Administrative Procedure Act, prior to the

1 adoption of the building standards and submission to the  
2 commission for approval. The notice of proposed building  
3 standards and the initial statement of reasons for the proposed  
4 building standards shall comply with Article 5 (commencing  
5 with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of  
6 Title 2 of the Government Code. The adopting agency or state  
7 agency that proposes the building standards shall submit the  
8 notice and initial statement of reasons for proposed building  
9 standards to the California Building Standards Commission,  
10 which shall review them for compliance with Article 5  
11 (commencing with Section 11346) of Chapter 3.5 of Part 1 of  
12 Division 3 of Title 2 of the Government Code. If the commission  
13 determines that the adopting agency or state agency that proposes  
14 the building standards has complied with Article 5 (commencing  
15 with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of  
16 Title 2 of the Government Code, the commission shall approve  
17 the notice and initial statement of reasons for proposed building  
18 standards, and submit them to the Office of Administrative Law  
19 for the sole purpose of inclusion in the California Regulatory  
20 Notice Register. The Office of Administrative Law shall publish  
21 only those notices of proposed building standards which have  
22 been approved by, and submitted to, the office by the California  
23 Building Standards Commission.

24 (b) In order to ensure an absence of conflict between hearings  
25 and a maximum opportunity for interested parties to be heard, no  
26 hearings by adopting agencies shall be conducted unless the time  
27 and place thereof has been approved in writing by the  
28 commission prior to public notices of the hearing being given by  
29 the adopting agencies.

30 (c) If, after building standards are submitted to the commission  
31 for approval, the commission requires changes therein as a  
32 condition for approval, and the changes are made, no additional  
33 hearing by the affected state agency shall be required in  
34 connection with making the changes when the commission  
35 determines the changes are nonsubstantial, solely grammatical in  
36 nature, or are sufficiently related to the text submitted to the  
37 commission for approval that the public was adequately placed  
38 on notice that the change could result from the originally  
39 proposed building standards.

1     *(d) The Legislature hereby requests that the California*  
2     *Building Standards Commission, in consultation with applicable*  
3     *state agencies, review the existing statutes for conflicts and*  
4     *obsolete references.*

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